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JHB/JB/30591
6th February 1991

Attention: Jeffrey H. Ingerman

COPY

Dear Jeff,

Australian Patent Application No. 38816/89
Your Ref: PM1322
Our File: 30591

RECEIVED
PHILIP MORRIS MANAGEMENT CORP.
LAW DEPT.-PATENT SECTION

FEB 16 1991

NOTED

Jeff H. Ingerman

I enclose a copy of an official action issued by the Australian Patent Office although no prior art is cited.

There is no urgency in filing a response but the overall term for allowance will expire on 18th January 1992.

1. Our Associates can deal with this.
2. This objection arises from the customary U.S. practice of multiple statements of object. I usually recommend that under British and related practices such objects be deleted or converted into statements of advantage.
- 3(a). The essential features of the invention must be those specified in the broad claim. As I recall, important features of this application are radiative heat transfer and a hollow sleeve structure with differential permeability. Most of the Examiner's problems arise from passages which relate to matters of preference but do not explicitly mention this each time.
4. Our Associates make the following suggestions:-
 - (a) Amend "closer to said mouth end" (line 10 to 11) to read "opposite said first end".
 - (b) Alter "passes" (line 28) to read "is drawn"
 - (c) Our Associates do not understand this objection since the construction of the article seems to be clearly defined.

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R&G

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During correspondence last year relating to the examination request, I prepared draft claims and sent them to our Australian Associates. They approved the general form of the claims, provided they included the functional statement, but did not file them in the absence of our positive instruction. The question now arises whether we should amend the claims along the lines previously discussed in the hope of avoiding some of the Examiner's objections. A copy of the latest version of the draft claims is enclosed. On the other hand, most of the objections are best dealt with by amending the specification rather than the claims.

Please let me have your thoughts in due course.

Yours sincerely,

J. H. Bass

c.c. Beverly A. Monroe (Philip Morris Management)

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